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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-477**

13 **BENGIE R. NAGRAMPA**
2906 Stanford Lane
14 **El Dorado Hills, CA 95762**
Registered Nurse License No. 505027

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about September 30, 1994, the Board issued Registered Nurse License Number
22 505027 to Bengie R. Nagrampa ("Respondent"). Respondent's registered nurse license was in full
23 force and effect at all times relevant to the charges brought herein and will expire on January 31,
24 2012, unless renewed.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee for any reason provided in Article 3 (commencing with
28 section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

6. California Code of Regulations, title 16, section (“Regulation”) 1442 states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

7. Regulation 1443 states:

As used in Section 2761 of the code, “incompetence” means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 9. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a)(1), on the grounds of unprofessional conduct, in that in or about February 2007,
5 while employed as a registered nurse at California State Prison, Sacramento, a facility of the
6 Department of Corrections and Rehabilitation, Respondent was guilty of gross negligence within
7 the meaning of Regulation 1442, as follows:

8 a. On or about February 2, 2007, Respondent poured or took medications from a plastic
9 "Ziplock" pharmacy bag containing mixed dosages and types of medications (described as "loose,
10 assorted, multicolored pills"), and placed the medications into envelopes for administration to an
11 unknown number of inmates/patients ("IP"). The envelopes were marked with the IPs'
12 identifying information, including medication name and dose. Further, Respondent failed to
13 check the medications that he placed into the envelopes against the IPs' respective Medication
14 Administration Records to ensure that the right patient was given the right medication, right dose,
15 and right route at the right time (the "five rights" of medication administration), to ensure that the
16 medication order had not expired, and to check for any medication allergies.

17 b. On or about February 9, 2007, Respondent failed to notify the on-call physician that
18 IP "A's" blood glucose level was 552 (Respondent checked the IP's blood glucose level at
19 approximately 1600 hours).

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Incompetence)**

22 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
23 subdivision (a)(1), on the grounds of unprofessional conduct, in that in or about February 2007,
24 while employed as a registered nurse at California State Prison, Sacramento, a facility of the
25 Department of Corrections and Rehabilitation, Respondent was guilty of incompetence within the
26 meaning of Regulation 1443, as set forth in paragraph 9 above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a), in that in or about February 2007, while employed as a registered nurse at
5 California State Prison, Sacramento, a facility of the Department of Corrections and
6 Rehabilitation, Respondent committed acts constituting unprofessional conduct, as set forth in
7 paragraph 9 above.

8 PRAYER

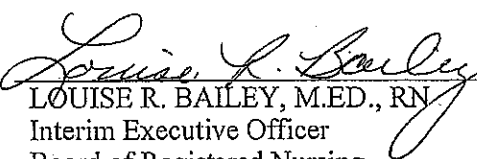
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 505027, issued to Bengie
12 R. Nagrampa;

13 2. Ordering Bengie R. Nagrampa to pay the Board of Registered Nursing the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 3/29/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant